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| 09/504,135   | 02/15/2000  | Suthirug Num Pisutha-Armond | CS10006             | 7503             |
| 20280  | 7590        | 11/30/2005                  | EXAMINER            |                  |
| MOTOROLA INC<br>600 NORTH US HIGHWAY 45<br>ROOM AS437<br>LIBERTYVILLE, IL 60048-5343 |             |                             | WEST, LEWIS G       |                  |
|  |             |                             | ART UNIT            | PAPER NUMBER     |
|  |             |                             | 2682                |                  |

DATE MAILED: 11/30/2005

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/504,135  
Filing Date: February 15, 2000  
Appellant(s): NUM PISUTHA-ARNOND ET AL.

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Lawrence J. Chapa  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 22, 2005 appealing from the Office action mailed September 22, 2004.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

**A. Status of all claims in the proceeding:**

- |                        |                     |
|------------------------|---------------------|
| 1. Claims rejected:    | 35, 37-42 and 44-48 |
| 2. Claims allowed:     | none                |
| 3. Claims withdrawn:   | none                |
| 4. Claims objected to: | none                |
| 5. Claims cancelled:   | 1-34,36 and 43      |

**B. Identification of claims being appealed:**

The claims on appeal are: 35, 37-42 and 44-48

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on September 22, 2005 has been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is substantially correct, although claims which are not being appealed are included in the list.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35, 37-42 and 44-48 are rejected under 35 U.S.C. 102(b) as being anticipated by ICHIKAWA et al (US 4,626,842 A).

Regarding claim 35, ICHIKAWA et al discloses message alert system for a communication device (all elements of figure 1) wherein the communication device comprises a processor (element 4 of figure 1 and column 2 lines 42-46) and a display (element 8 of figure 1) for displaying information, comprising: a computer-readable medium (element 401 of figure 3);

Art Unit: 2682

and a routine stored in the computer-readable medium and configured for execution by the processor, the routine comprising: a first routine that receives a message comprising the information (column 3 lines 62-67); a second routine that analyzes the message to determine a size thereof (column 4 lines 8-32), and further analyzes the message to determine whether the message is of a message type for which the third routine is executed (column 3 line 62 to column 4 line 32, This is read as when the message is limited to 10 digits); a third routine that generates a display item for the message in accordance with the size thereof (column 5 lines 11-57), if the message is of the type for which the third routine is executed.

Regarding claim 37, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses an initialization routine that specifies the message type (based on number of digits) for which the third routine is executed (column 3 line 62 to column 4 line 32).

Regarding claim 38, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is less than a predetermined size (column 3 line 62 to column 4 line 32).

Regarding claim 39, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a fourth routine that provides the generated display item to the display for a predetermined time (column 3 line 62 to column 4 line 32).

Regarding claim 40, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the routine comprises a fifth routine that generates a further display item that comprises a portion of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a sixth routine that provides the further display item to the display after the predetermined time has elapsed (column 3 line 62 to column 4 line 32).

Regarding claim 41, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the message is transmitted to the communication device via a network; and the network is a broadcast network (column 2 line 27 to column 4 line 32).

Regarding claim 42, ICHIKAWA et al discloses a method of controlling a communication device (all elements of figure 1) having a display (element 8 of figure 1) for displaying information, the method comprising the steps of: receiving a message comprising the information (column 3 lines 62-67); analyzing the message to determine a size thereof (column 4 lines 8-32), and further analyzing the message to determine whether the message is of a message type for which the generating step is executed (column 3 line 62 to column 4 line 32, this is read as when the message is limited to 10 digits); and generating a display item for the message in accordance with the size thereof (column 5 lines 11-57), if the message is of the type for which the generating step is executed.

Regarding claim 44, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses an initialization routine that

Art Unit: 2682

specifies the message type (based on number of digits) for which the third routine is executed (column 3 line 62 to column 4 line 32).

Regarding claim 45, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is less than a predetermined size (column 3 line 62 to column 4 line 32).

Regarding claim 46, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses the generated display item comprises a reproduction of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a fourth routine that provides the generated display item to the display for a predetermined time (column 3 line 62 to column 4 line 32).

Regarding claim 47, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the routine comprises a fifth routine that generates a further display item that comprises a portion of the message when the second routine determines that the size of the message is greater than a predetermined size; and the routine comprises a sixth routine that provides the further display item to the display after the predetermined time has elapsed (column 3 line 62 to column 4 line 32).

Regarding claim 48, see the rejection of the parent claim concerning the subject matter this claim depends from. ICHIKAWA et al further discloses that the message is transmitted to the communication device via a broadcast network (column 2 line 27 to column 4 line 32).

**(10) Response to Argument**

The applicant argues that a message size cannot be a criteria for message type. However, the examiner disagrees as the language of the claims regarding the second routine do not preclude messages over a certain size to being one type with messages under a certain size being another type. For example, it is within the language of claim 35 for the second routine to determine the size of a message and then determine the message type based upon the determined size. Moreover, the limitation of the “third routine” adds generating a display item based on the size when the message is of a type (size) for which the third routine is executed. Thus once again, the language of the claim does not preclude a message type based upon message size. The prior art reads on the claims if a message type is based upon message size.

There is no requirement in the claim, as argued by applicant, for “two different size criteria” is not claimed and is therefore moot. A determination as to “how the generating step is executed” is also not claimed and therefore moot.



|                                      |  |
|--------------------------------------|--|
| Size →                               | Size is determined in Column 4 lines 8-17,<br>wherein a word counter is incremented to<br>indicate message size  |
| Type →                               | Type is determined in Column 4 lines 18-32<br><br>Message ≤ 10 digits is type 1<br><br>Message = 11-20 digits is type 2  |
| Routine for type 1 (short message) → | Type 1 messages are processed to be displayed<br>within a single set of display fields   |
| Routine for type 2 (long message) →  | Type 2 messages (See column 5), must display<br>special characters (a flashing “1” and a “-”) to<br>indicate continuation of a message unable to fit<br>within a limited display area. |

The above chart demonstrates how “size” and “type” are distinct parameters in Ichikawa. It is clearly stated that messages of a first type, indicated as 1 or 2 word length messages (less than 10 digits), and therefore a “short” message, must be processed with a separate routine that a “long” message (3 to 4 word length messages; 11 to 20 digits) and therefore are clearly a distinct type. If the messages were the same type, separate processing routines would not be necessary for display.

Specifically regarding claim 35, the routine, cited as the third routine, executes the display of a message differently based on the determined size. The determination of size and

Art Unit: 2682

type are different, as a routine in Ichikawa determines the message size, this is one routine, referred to as the “second routine”. The determination of type is a separate routine, the “third routine” wherein if a message is above a given size, and therefore a type of message for which a separate routine must be executed, additional cycles of display are used in order to display the messages including displaying extra characters in a manner to indicate continuation of the message, in a manner distinct from a message small enough to be displayed completely without such a continuation, thereby defining two types of message.

Regarding claim 42, what is claimed receiving a message, analyzing the size, and determining whether the message is a type for which “the generating step is executed”. However the “generating step” as claimed, in context, requires “generating a display item for the message *in accordance with a size thereof*”. Therefore, the step of determining if the message is of a type for which the generating step is executed, when read in the proper context, is a test to determine whether the message should be generated in accordance with a size thereof, as in the routine of Ichikawa wherein a particular size of message merits a different routine for generation.

Alternatively, in the cited portion, column 3 lines 62-Col. 4 line 7 of Ichikawa, the message is checked to see “if the message is to be displayed”. Specifically, if more than a single bit error exists in a message it is discarded, as it is not of a “type” suitable to be displayed properly.

Therefore both size and multiple type determinations are addressed in Ichikawa.

Art Unit: 2682

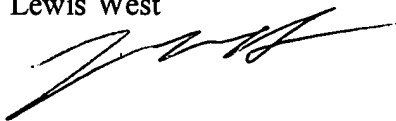
**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

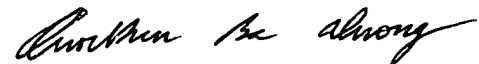
Lewis West



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